

REMARKS:

In the outstanding Office Action, the Examiner rejected claims 101-108 and indicated claim 109 as allowable.

Claims 101-106 and 109 are amended herein. No new matter is presented. Thus, claims 101-109 are pending and under consideration. The rejections are traversed below.

ALLOWABLE SUBJECT MATTER:

In item 5 on page 5 of the Office Action the Examiner indicated independent claim 109 as being allowed.

CLAIM REJECTIONS UNDER 35 USC §103:

In item 4 on page 2 of the Office Action the Examiner rejected claims 101-108 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,056,019 (Schultz) in view of Patent No. 5,201,010 (Deaton), in further view of U.S. Patent No. 4,882,675 (Nichtberger).

In response to the previous arguments, the Office Action on page 6, asserts that Schultz teaches that the in-store computer system with an instore data bank (database) for storing a plurality of files (column 9, lines 47-59), and the customer file stores records of purchased items with associated rewards (column 10, lines 8-19). As such, the Office Action asserts that Schultz teaches specific computers being on the store side configured to receive a customer transaction information from the customer's terminal owned by the customer, where the points are issued by a unit located separately from the customer terminal.

Further, the Examiner asserts that the point of sale can be broadly interpreted as the customer's side, because it is where the customer interacts with the system (Office Action on page 6). Applicants respectfully disagree with these assertions for at least the following reasons.

Independent claim 101, by way of example, recites, "...customer terminal located at said different place from the point management system...", "a point sending unit on the store side, regardless of the customer's request for sending points, configured to send the customer's current cumulative points stored in the customer database to the customer terminal on the customer side located at said different place from the point management system... prior to performing the customer transaction by the customer", where "the point management system on the store side is located separately from the customer terminal receiving the customer's current

cumulative points after the customer is identified." Schultz, Deaton, and Nichtberger do not teach or suggest these features of the claimed invention.

In particular, Schultz, Deaton, and Nichtberger do not teach or suggest the customer terminal located at a physically different location than the point management system where "regardless of the customer's request for sending points" ... customer's current cumulative points are sent to "the customer terminal on the customer side located at said different place from the point management system... prior to performing the customer transaction by the customer." See each of the other independent claims reciting similar features.

Each of the systems of Schultz, Deaton, and Nichtberger, the devices operated by a customer is located at the point management system, i.e., at the store side.

Schultz discusses periodic status report indicating the member consumer's progress towards earning rewards that is sent based on a time basis. However, as acknowledged by the Examiner, Schultz fails to teach that the report is sent to a customer terminal after the customer identification and prior to performing a transaction by the customer.

In Deaton, a shopper is identified by a check where a check is taken for tendering purchase at a retail store (see, col. 68, lines 20-21) where the action of handing a shopper a check is apparently carried out after the related transaction has been commenced.

As Nichtberger merely discusses a customer inserting a special card into a CDR to have the customer select one of the coupons among from the listed coupons which the customer wishes to get (see, col. 17, lines 30-61), Nichtberger does not cure the deficiencies of Schultz and Deaton regarding claims of the present application.

For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over Schultz, Deaton, and Nichtberger. The dependent claims are also independently patentable.

For example, as recited in claim 108, "said sending is executed independent and separate from performing of the transaction and in response to receipt of said customer identification information." Schultz, Deaton, and Nichtberger do not teach or suggest these features.

Therefore, withdrawal of the rejection is respectfully requested.

ENTRY OF AMENDMENT:

Applicants respectfully request entry of amendments to the claims because the amendments were made to clarify features of the claims and do not introduce significant changes that would require a further search.

WITHDRAWAL OF FINALITY:

As discussed above, each of the independent claims are allowable over the cited references, and therefore, Applicants respectfully request reconsideration of the finality of the rejection and withdrawal of the finality of the Office Action.

CONCLUSION:

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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